

Amendment and Response under 37 C.F.R. 1.116

Applicant: Mark A. Smith et al.

Serial No.: 09/839,385

Filed: April 20, 2001

Docket No.: 10001074-1

Title: INK CONTAINER CONFIGURED TO ESTABLISH RELIABLE FLUIDIC CONNECTION TO A RECEIVING STATION

REMARKS

This Amendment is responsive to the Final Office Action mailed August 31, 2004, in which claims 1-6, 10-20, 22 and 23 were rejected, and claims 7, 8 and 24 are allowed. With this Response, claims 1, 10 and 16 are amended. Claims 1-8, 10-20 and 22-24 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. §112

Claims 1-6 and 10-20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts the claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner finds the limitations of claims 1, 10, and 16, "...the fluid outlet is configured to allow passage of the fluid inlet into the reservoir and prevent passage of the sealing structure into the reservoir" was not described in the original disclosure.

With this amendment, independent claims 1, 10 and 16 have been amended to remove the language referenced by the Examiner. Accordingly, withdrawal of the rejection of independent claims 1, 10 and 16, and the claims depending therefrom, under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 22 and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Shinada et al. (U.S. Patent No. 6,502,917). Specifically, the Examiner has maintained the position that Shinada et al. discloses a sealing surface (bottom wall surface of supply port 44) surrounding the fluid outlet (44, Figure 3) for engaging a sealing structure (bottom support structure of 6), the sealing surface configured so that ink and particles suspended therein wet the sealing surface (asserting that upon removal of 6, ink leaks to the bottom wall surface of 44).

The Applicants respectfully disagree with the Examiner's characterization of Shinada et al. In particular, Shinada et al., does not anticipate "**a sealing surface surrounding the**

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fluid outlet for engaging the sealing structure". As characterized by the Examiner, the "sealing structure" of Shinada et al. is the "support structure at the bottom of 6" that surrounds the fluid interconnect 6. As further characterized by the Examiner, the "sealing surface" of Shinada et al. is the "bottom wall surface of supply port 44". This characterization is further emphasized by the Examiner's attached illustration, labeling the "sealing surface" and "sealing structure" in Figure 3 of Shinada et al.

As clearly seen in Figure 3, as characterized by the Examiner, the "sealing surface" (the bottom wall surface of supply port 44) does not engage the "sealing structure" (the support structure at the bottom of 6). In fact, the alleged "sealing surface" is spaced away from the alleged "sealing structure". Thus, even if the bottom wall surface of supply port 44 is wetted with ink, that surface does not engage any other structure. Accordingly, Shinada et al. cannot and does not anticipate the claimed **"sealing surface surrounding the fluid outlet for engaging the sealing structure"**. For at least this reason, Shinada et al. fails to anticipate independent claim 22 under 35 U.S.C. §102(e), and withdrawal of the rejection is respectfully requested.

Claim 23 depends from claim 22, which is allowable for the at least the reason set forth above. Accordingly, claim 23 is also in allowable condition for at least the same reason, and withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1-6, and 10-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tomikawa et al. (U.S. Patent No. 6,039,441) in view of Aono et al. (U.S. Patent No. 6,471,321).

With this response, each of independent claims 1, 10, and 16 have been amended to specify that the engaged sealing surface of the ink container and sealing structure of the receiving station define a groove therebetween, and that solidification of the solid particles at least partially in the groove between the sealing structure and the sealing surface act to seal defects between the sealing surface and the sealing structure. Neither Tomikawa et al. nor Aono et al. disclose a groove between the alleged sealing surfaces and sealing structures, nor do they teach or suggest the at least partial solidification of solid particles in the groove to

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seal defects between the sealing surface and the corresponding sealing structure. The Applicant's position is supported by the Examiner's reasons for allowance of claim 7, in which the Examiner acknowledges that solidifying the solid material at least partially in a groove in the sealing structure is not disclosed, suggested or made obvious by the prior art of record. For at least this reason, independent claims 1, 10 and 16 are not obvious over Tomikawa et al. in view of Aono et al. Accordingly, withdrawal of the rejection of independent claims 1, 10, and 16 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 2-6, 11-15 and 17-20 depend, either directly or indirectly, from one of independent claims 1, 10, or 16. Accordingly, for at least that reason, dependent claims 2-6, 11-15 and 17-20 are also not obvious over Tomikawa et al. in view of Aono et al., and withdrawal of the rejection of those claims under 35 U.S.C. §103(a) is respectfully requested.

Allowable Subject Matter

The Examiner has indicated claims 7, 8, and 24 are allowed.

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CONCLUSION

In light of the above, Applicant believes independent claims 1, 7, 10, 16, 22 and 24 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt, Esq. at Telephone No. (512) 231-0531, Facsimile No. (612) 573-2005 or Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of November, 2004.

By Matthew B. McNutt

Name: Matthew B. McNutt